

REMARKS

Claims 1-8 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

In the instant Office Action dated August 30, 2007, the following rejections are noted: claims 1 and 8 stand rejected under 35 U.S.C. 102(b) over Kaneaki *et al.* (U.S. Patent No. 5,068,661) and claim 2 stands rejected under 35 U.S.C. 103(a) over Kaneaki *et al.* as applied to claim 1 above. The instant office action also notes that claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicant respectfully disagrees with the rejections due to failure to find correspondence between the Kaneaki reference and all the elements recited in Applicant's claims. The Office Action includes an assertion that Kaneaki discloses the claimed feature of a combiner that generates an analog output signal with reduced out-of-band quantization noise. Applicant finds no support for such an assertion, and notes that Kaneaki appears to have no teaching regarding reducing out-of-band frequencies. In fact, Applicant understands the passage cited in the Office Action (Col. 2, lines 30-36) to stand for the opposite proposition – that the disclosed noise-shaping quantization increases noise levels at high frequencies (i.e., out-of-band frequencies) in favor of reducing in-band frequency noise levels. Rather reducing out-of-band quantization noise, Kaneaki combines to increase the number of final quantization levels above what results from using just one noise shaping quantization circuit.

In addition to the reasons provided, Applicant submits that improper hindsight has been used in the 103(a) rejection of claim 2, and the required modification of Kaneaki would run counter to Kaneaki's teachings. Kaneaki discloses combining digital output signals and then performing digital to analog conversion. This allows for adding together the word lengths provided by each of the signals, in concert with the purposes disclosed. Were Kaneaki to be modified to perform digital to analog conversion on each digital output and then combine, the results desired by Kaneaki would not be obtained.

For at least these reasons, Applicant requests reconsideration and withdrawal of the rejections.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: 

Name: Robert J. Crawford
Reg. No.: 32,122
651-686-6633
(NXPS.332PA)